

# DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

WHITMAN BREED ABBOTT & MORGAN LLP  
File No.: KM40562-00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED: METHODS AND APPARATUS FOR IMPROVED LUMINESCENCE ASSAYS USING MICROPARTICLES, the specification of which    is attached hereto   X   was filed on December 23, 1997 as United States Application No. 08/998,137, with amendments through    (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Priority Claimed:	
			Yes	No

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

U.S. Serial No.:	Filed (Day/Month/Year)	PCT Application No.	Status (patented, pending, abandoned)
08/954,355	20/10/97		PENDING
08/437,348	9/5/95		PATENTED

DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY (Under 37 CFR § 1.63)

WBAM Docket No. KM40562-00

I hereby appoint Barry Evans, Registration No. 22,802, and Whitman Breed Abbott & Morgan LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Barry Evans, Esq.  
c/o WHITMAN BREED ABBOTT & MORGAN LLP  
200 Park Avenue  
New York, NY 10166

Direct all telephone calls to:  
(212) 351-3000  
to the attention of:  
Barry Evans

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: [Signature] Date: 7/1/98

Full name of sole or first inventor: George B. Sigal  
Residence: 5333 Trailway Drive, Rockville, Maryland 20853  
Citizenship: United States of America

Signature: [Signature] Date: 7/1/98

Full name of 2nd joint inventor (if any): Jacob N. Wohlstadter  
Residence: 9905 Gable Ridge Terrace, Apt. D, Rockville, Maryland 20850  
Citizenship: United States of America

Signature: [Signature] Date: 6/12/98

Full name of 3rd joint inventor (if any): Satyanarayana Gudibande  
Residence: 211 Cherrywood Terrace, Gaithersburg, Maryland 20878  
Citizenship: ~~United States of America~~ INDIA sk

Signature: [Signature] Date: 6/12/98

Full name of 4th joint inventor (if any): Mark T. Martin  
Residence: 6516 Old Farm Court, Rockville, Maryland 20852  
Citizenship: United States of America

Signature: [Signature] Date: 6/10/98

Full name of 5th joint inventor (if any): James L. Wilbur  
Residence: 13636 Spinning Wheel Drive, Germantown, Maryland 20872  
Citizenship: United States of America

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming (or Supporting a Claim by Another for) Small Entity Status" form (e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor).

Whitman Breed Abbott & Morgan LLP
File No.: KM40562-00
Serial No.: 08/998,137
Filing Date: December 23, 1997

### ASSIGNMENT

We, George B. Sigal, Jacob N. Wohlstadter, Satyanarayana Gudibande, Mark T. Martin, and James L. Wilbur, who reside respectively at: 5333 Trailway Drive, Rockville, MD 20853; 9905 Gable Ridge Terrace, Apt. D, Rockville, MD 20850; 211 Cherrywood Terrace, Gaithersburg, MD 20878; 6515 Old Farm Court, Rockville, MD 20852; and 13636 Spinning Wheel Drive, Germantown, MD 20872, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: **METHODS AND APPARATUS FOR IMPROVED LUMINESCENCE ASSAYS USING MICROPARTICLES**, which application was executed by us and **MESO SCALE TECHNOLOGIES LLC**, whose address is 16020 Industrial Drive, Gaithersburg, MD 20877, and which, together with its successors and assigns is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;
4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

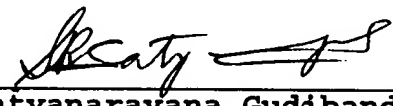
5. Bind our heirs and legal representatives, as well as ourselves to do, upon Assignee's request and at its expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instrument is the 1 day of July, 1998.

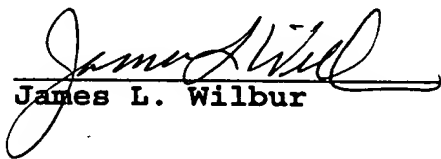
In testimony of which we have affixed our signatures.

  
George B. Sigal

  
Jacob N. Wohlstadter

  
Satyanarayana Gudibande

  
Mark T. Martin

  
James L. Wilbur

T06290" 29696350

State of Maryland )  
County of Montgomery ) SS.:

On this 15<sup>th</sup> day of July, 1998 before me appeared **George B. Sigal**, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Laura E. Riccardi  
Notary Public My Comm. Exps. 10/3, 2000

(OFFICIAL SEAL)

State of Maryland )  
County of Montgomery ) SS.:

On this 15<sup>th</sup> day of July, 1998 before me appeared **Jacob N. Wohlstadter**, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Laura E. Riccardi  
Notary Public My Comm. Exps. 10/3, 2000

(OFFICIAL SEAL)

State of Maryland )  
County of Montgomery ) SS.:

On this 13<sup>th</sup> day of JUNE, 1998 before me appeared **Satyanarayana Gudibande**, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Laura E. Riccardi  
Notary Public My Comm. Exps. 10/3, 2000

(OFFICIAL SEAL)

State of Maryland )  
County of Montgomery ) SS.:

On this 16<sup>th</sup> day of JUNE, 1998 before me appeared **Mark T. Martin**, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Laura E. Riccardi  
Notary Public My Comm. Exps. 10/3, 2000

(OFFICIAL SEAL)

State of *Maryland* )  
County of *Montgomery* ) ss.:

On this *10* day of *June*, 1998 before me  
appeared **James L. Wilbur**, to me known and known to me to be  
the person described in and who executed the foregoing instrument  
and he acknowledged the same to be his free act and deed.

*Donna K. Ruccardi*  
Notary Public My Comm. Exps. *10/3*, 2000

(OFFICIAL SEAL)

FO6290" 29696860



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
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OCTOBER 27, 1998

PTAS

WHITMAN BREED ABBOTT & MORGAN  
BARRY EVANS  
200 PARK AVENUE  
NEW YORK, NY 10166



\*100787717A\*

RECORDED

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/03/1998

REEL/FRAME: 9363/0066  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SIGAL, GEORGE B.

DOC DATE: 07/01/1998

ASSIGNOR:

WOHLSTADTER, JACOB N.

DOC DATE: 07/01/1998

ASSIGNOR:

GUDIEANDE, STAYANARAYANA

DOC DATE: 07/01/1998

ASSIGNOR:

MARTIN, MARK T.

DOC DATE: 07/01/1998

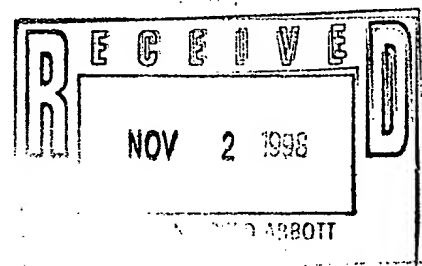
ASSIGNOR:

WILBUR, JAMES L.

DOC DATE: 07/01/1998

ASSIGNEE:

MESO SCALE TECHNOLOGY LLP  
16020 INDUSTRIAL DRIVE  
GAITHERSBURG, MARYLAND 20877



9363/0066 PAGE 2

SERIAL NUMBER: 08998137  
PATENT NUMBER:

FILING DATE: 12/23/1997  
ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

702204 11163301



08-07-1998

WBAM Ref. No.: KM40562-00

FORM PTO-1595  
(Rev. 6-93)U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents

100787717

the attached original documents or copy thereof.

## 1. Name of conveying party(ies)

George B. Sigal, Jacob N. Wohlstadter, Satyanarayana  
Gudibande, Mark T. Martin, and James L. WilburAdditional name(s) of conveying party(ies) attached?  
☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: MESO SCALE TECHNOLOGY LLP

Internal Address:

Street Address: 16020 Industrial DriveCity: Gaithersburg State: MD Zip: 20877Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment  
☐ Security Agreement  
☐ Merger  
☐ Change of Name  
☐ Other

Execution Date: July 1, 1998

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of  
the application is:A. Patent Application No.(s) 08/998,137 (filed 12/23/97) B. Patent No.(s)Additional numbers attached? ☐ Yes ☒ No5. Name and address of party to whom correspondence  
concerning document should be mailed:Name: Barry Evans, Esq.  
Internal Address:Street Address: WHITMAN BREED ABBOTT & MORGAN LLP  
200 Park AvenueCity: New York State: NY Zip: 101666. Total number of applications and  
patents involved

1

## 7. Total fee (37 CFR 3.41)

\$ 40.00☒ Enclosed  
☐ Authorized to be charged to  
deposit account #50-0297

## 8. Deposit account number: 50-0297

(Attach duplicate copy of this page if paying by deposit  
account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true  
copy of the original document.

David Rubin, Reg. No. 40,314

Name of Person Signing

Signature

July 30, 1998

Date

Total number of pages including cover  
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08/06/1998 TTON11-00000145-08998137

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40.00 (P)

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PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011),  
Washington, D.C. 20503.

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